

IRELL & MANELLA LLP  
Morgan Chu (70446)  
Richard M. Birnholz (151543)  
Andrei Iancu (184973)  
Richard G. Frenkel (204133)  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276  
Telephone: (310) 277-1010  
Facsimile: (310) 203-7199

Attorneys for Plaintiff  
IMMERSSION CORPORATION

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP  
Allan Gabriel (76477)  
Pamela Maher (162292)  
1880 Century Park East, 12th Floor  
Los Angeles, California 90067  
Telephone: (310) 712-8300  
Facsimile: (310) 712-8383

Attorneys for Defendant  
ELECTRO SOURCE, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IMMERSSION CORPORATION,

Plaintiff,

vs.

ELECTRO SOURCE, LLC,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. C-04-04040 CW (WDB)

**ORDER GRANTING AS MODIFIED  
STIPULATION RESETTING CERTAIN  
PRETRIAL DATES**

CTRM: Hon. Claudia Wilken

1 Plaintiff Immersion Corporation (“Immersion”) and Defendant Electro Source, LLC  
2 (“Electro Source”), hereby stipulate as follows:

3 WHEREAS, on February 3, 2005, the Court entered a Case Management Order (docket  
4 entry 19) setting certain pretrial dates, including a schedule for the disclosure of expert reports in  
5 October and November 2005, the completion of expert discovery on December 16, 2005, and the  
6 Claim Construction Hearing and hearing on dispositive motions on February 17, 2006.

7 WHEREAS, the Court ordered on May 10, 2005 (docket entry 30) that the parties’ Patent  
8 Local Rule 4-3 Joint Claim Construction and Prehearing Statement (“Joint Claim Construction  
9 Statement”) must be filed by Friday, July 29, 2005.

10 WHEREAS, the Court also ordered on May 10, 2005 that claim construction discovery  
11 must be completed by August 26, 2005, four weeks after the due date for the Joint Claim  
12 Construction Statement.

13 WHEREAS, on June 15, 2005, the Court sua sponte (docket entry 47) rescheduled the  
14 dates for the pretrial conference and trial to September 29, 2006 and October 10, 2006,  
15 respectively, to accommodate the Court's calendar.

16 WHEREAS, the Court, pursuant to an August 10, 2005 order (docket entry 66),  
17 rescheduled the date for filing Joint Claim Construction Statement to September 9, 2005 and  
18 extended the date for Claim Construction Discovery Cutoff to be the same date for fact discovery  
19 cutoff in the litigation.

20 WHEREAS, Immersion has been involved in extensive discovery matters in the *Immersion*  
21 *v. Sony Computer Entertainment* matter, in which Electro Source has participated. These  
22 discovery matters relate to Sony’s Rule 60(b) motion, currently pending before this Court. These  
23 discovery matters have occupied a substantial amount of the Immersion and Electro Source  
24 attorneys’ time.

25 WHEREAS, as a result of the extensive discovery in the *Immersion v. Sony Computer*  
26 *Entertainment* matter, the parties have been unable to conduct the depositions of fact witnesses  
27 who were properly subpoenaed and noticed as of the fact discovery cutoff. The parties have  
28

1 agreed, subject to the approval of the Court, that they may have until January 6, 2006 to complete  
2 such depositions.

3 WHEREAS, as a result of the additional time to complete these depositions, the parties  
4 have agreed that, subject to the approval of the Court, the dates for expert reports and discovery,  
5 and for the claim construction and summary judgment proceedings should correspondingly be  
6 adjusted.

7 WHEREAS, the stipulated schedule will not impact the current dates set for the Pretrial  
8 Conference (which is currently set for September 29, 2006), and the commencement of trial  
9 (which is currently set for October 10, 2006).

10 THEREFORE, the parties stipulate to the following changes to the Court's Case  
11 Management Order, subject to the approval of the Court:

Event	Current Deadline, per Case Management Order	Proposed New Deadline
Complete Fact Depositions of Witnesses Properly Subpoenaed and Noticed As of October 7, 2005 Cutoff Date	October 7, 2005	January 6, 2006
Opening Expert Reports	October 28, 2005	January 27, 2006
Rebuttal Expert Reports	November 18, 2005	February 24, 2006
Completion of Expert Discovery	December 16, 2005	March 24, 2006
Claim Construction Hearing and hearing on dispositive motions	February 17, 2006	<b>May 12, 2006 (or earlier)</b>
Pretrial Conference	September 29, 2006	September 29, 2006
Jury Trial	October 10, 2006	October 10, 2006

1 Dated: November 3, 2005,

IRELL & MANELLA LLP

2 By: /s/ Richard M. Birnholz

3 Richard M. Birnholz

4 Attorneys for Plaintiff  
5 IMMERSION CORPORATION

6  
7 Dated: November 3, 2005,

BROWN RAYSMAN MILLSTEIN FELDER &  
STEINER LLP

8 By: /s/ Allan Gabriel

9 Allan Gabriel

10 Attorneys for Defendant  
11 ELECTRO SOURCE, LLC

12 IT IS SO ORDERED, as modified.

13  
14 Dated: Nov. 8, 2005

/s/ CLAUDIA WILKEN

15 The Honorable Claudia Wilken  
16 United States District Judge

**DECLARATION OF CONSENT**

I, Richard M. Birnholz, hereby declare under penalty of perjury under the laws of the State of California and the United States of America that the following is true and correct:

1. Concurrence in the filing of STIPULATION AND [PROPOSED] ORDER RESETTING CERTAIN PRETRIAL DATES has been obtained from each of the other signatories, which shall serve in lieu of their signatures on the document.

2. I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party until one year after final resolution of the action pursuant to General Order 45 of the United States District Court for the Northern District of California.

Executed in Los Angeles, California on November 3, 2005.

Dated: November 3, 2005

/s/ Richard M. Birnholz  
Richard M. Birnholz

IRELL & MANELLA LLP  
Morgan Chu  
Richard M. Birnholz  
Andrei Iancu  
Richard G. Frenkel

Attorneys for Plaintiff  
Immersion Corporation